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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

Case No. CR-S-98-402-LDG (RJJ)

12 v.

13 JOSEPH DANIELLE CLEMENTS,

14 Defendant.

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17 **ORDER**

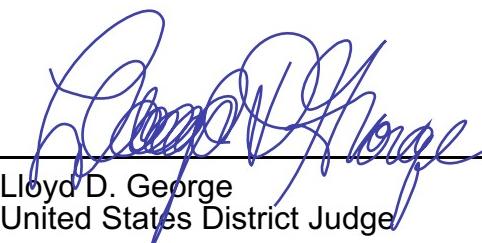
18 Joseph Danielle Clements moves to vacate, set aside, or correct sentence (#140),
19 and requests a telephonic hearing in connection with his motion (#139). The record
20 establishes that Clements has previously filed two motions pursuant to 28 U.S.C. §2255.
21 The Court denied the first motion on the merits. Both this Court and the Court of Appeals
22 declined to issue a certificate of appealability. The Court denied the second motion as a
23 second or successive §2255 motion filed without leave of the circuit court.

24 Clements must obtain leave of the Court of Appeals before filing a second or
25 successive motion for relief pursuant to 28 U.S.C. §2255. As he has not obtained such
leave,
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1 THE COURT **ORDERS** that Joseph Danielle Clements' Motion to Vacate or Modify
2 Sentence (#163) is DISMISSED;

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4 DATED this 3 day of September, 2010.
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Lloyd D. George
United States District Judge



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